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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,444	08/27/2003	Howard A. Ketelson	213202.00478	4590

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,444

Applicant(s)

KETELSON ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-4, 9, 13, 14, 17, 21, 24-28, 33, 37, 38, 41, 42, and 45 are objected to because of the following informalities: Phosphorous is misspelled throughout the claims. The language "selected from the group comprising" is improper and should read "selected from the group consisting of." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9, 16, 20, 40, 44, 24, 33, 38, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 9, 24, 33, 38, and 47, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 16, 20, 40, and 44 are confusing because they refer to chelators and sequestrants as separate entities, however these are identical terms used in the art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5, 18, 19, 25-29, 42, 43, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Weil, DE 3,437,921.

Weil teaches compositions containing urea phosphate for scale inhibition (see abstract). Such compositions are in tablet form and contain surfactants and sodium bicarbonate (page 5, 3rd paragraph). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the specific phosphate used to form the complex, the language "derived from" renders that portion of the claim a product by process, and where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA).

6. Claims 1-7, 9, 16-20, 25-31, 33, 41-44, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Steckman, DE 3,236,966.

Steckman teaches compositions containing urea phosphate for use in ultrasonic baths for the cleaning of dental prostheses (see abstract). Such compositions are in tablet form and contain ethoxylated alcohol nonionic surfactants, enzymes, and citric acid (page 5, 1st paragraph). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-5, 18, 19, 25-29, 42, 43, and 54 are rejected under 35 U.S.C. 102(a) as being anticipated by Yata et al, EP 962,964.

Yata et al teach detergent compositions containing urea phosphate for cleaning metal or glass surfaces (see abstract). The urea phosphate may be present in amounts as high as 60 weight percent (page 5, table 1). Such compositions may further contain surfactants and a chelating agent (page 4, line 50). Note that the urea phosphate is formed by reacting orthophosphoric acid with urea in a molar ratio of 1:1 to 1:5 (page 8, claim 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claims 1-5, 18, 19, 25-29, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson, US 3,990,977.

Pearson teaches a fire proofing shampoo (see abstract). An example of such a composition is a carpet cleaner comprising 90 parts urea, 90 parts phosphoric acid, 30 parts triethanolamine, and 1% alkylbenzene sulfonate (col. 6, example II). As this

reference meets all material limitations of the claims at hand, the reference is anticipatory.

9. Claims 1-6, 12, 14, 18, 19, 23-30, 36, 38, 39, 42, 43, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Bull, US 5,310,549.

Bull teaches solid germicidal concentrates for disinfecting and sanitizing (see abstract). An example of such a composition is a thickened disinfectant comprising 39.2% urea, 33.3% phosphoric acid, and 20.8% polyoxyethylene/polyoxypropylene nonionic surfactant (col. 8, example 1). Note the nonionic surfactant also satisfies the polymer particle limitation of the present claims. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

10. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Remley, US 4,331,437.

Remley teaches a process for imparting wrinkle resistance to cellulosic textile materials (see abstract). The process of the invention is carried out by preparing a solution by adding urea to an aqueous solution of orthophosphoric acid to provide a reaction mixture. The ratio of urea to orthophosphoric acid is from 4:1 to 8:1, and further comprising a nonionic surfactant (col. 2, lines 10-52). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

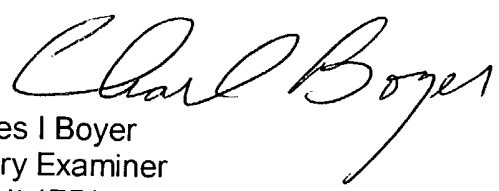
12. Claims 1-22, 25-46, and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yata et al, EP 962,964.

Yata et al are relied upon as set forth above. Recall that such compositions may further contain surfactants and a chelating agent (page 4, line 50). Although specific surfactants and chelants of the present claims are not delineated by Yata et al, as these components are generically disclosed and are well known in the art for use in cleaning compositions, their inclusion does not represent an unobvious difference over the prior art. With respect to the specific surfaces cleaned, as the compositions are designed for cleaning metal and glass surfaces, the examiner maintains these limitations are rendered obvious by the compositions of Yata et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
Art Unit 1751